

REMARKS

A. Status of Prosecution

On February 9, 2004, a Notice of Allowance was mailed regarding the above-identified patent application. On March 23, 2004, an Office Action was mailed that did not make mention to the February 9th Notice of Allowance. Needless to say, the undersigned was confused by the receipt of these two conflicting actions. The undersigned contacted Examiner Shah on April 12, 2004 requesting clarification as to which of the two actions controlled. Examiner Shah indicated that the March 23rd Office Action controlled. Accordingly, the undersigned requested that a communication be rendered by the Examiner that clarified the March 23rd Office Action controlled and the February 9th Notice of Allowance was being withdrawn. On April 29, 2004 an Interview Summary was mailed that stated that the first paragraph of the March 23rd Office Action was in error and that prosecution of the case was being reopened. The undersigned will assume that the statement regarding reopening of prosecution means that the February 9th Notice of Allowance has been withdrawn. If it does not, then Applicant requests that the February 9th Notice of Allowance be formally withdrawn.

B. 35 U.S.C. § 102

In the Office Action of March 23, 2004, claims 1, 2, 4, 5 and 7-9 were rejected under 35 U.S.C. § 103 as being obvious in view of the combination of Michel (U.S. Patent No. 5,061,073) and Herzog (U.S. Patent No. 4,587,622). Claims 1 and 2 have been canceled and claims 4, 5, 7 and 8 have been amended so that claims 4, 5 and 7-9 depend from claim 3 which has been indicated to contain allowable subject matter. Accordingly, the rejection has been rendered moot

and should be withdrawn.

As explained above, claims 4, 5, 7 and 8 have been amended so as to provide additional coverage for the device of claim 3. Accordingly, the amendment of claims 4, 5, 7 and 8 are not directed to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002).

C. Claims 3, 6, 12, 15 and 18

Applicant notes with appreciation that claims 3, 6, 12, 15 and 18 have been indicated to contain allowable subject matter. Claims 3 and 6 have been amended so as to be in independent form. Claims 4, 5, 7 and 8 have been amended so as to depend from claim 3. Accordingly, claim 3 and 6 and dependent claims 4, 5, 7-9, 12, 15 and 18 should be allowed.

As mentioned above claims 3 and 6 are being amended so as to be in independent form. Since the claims are being amended so as to include subject matter that was inherently present in the original claims, the amendments for claims 3 and 6 are not being presented for reasons of patentability as defined in *Festo*.

Claims 4, 5, 7 and 8 have been amended so as to provide additional coverage for the device of claim 3 and so are not being presented for reasons of patentability as defined in *Festo*.

D. Claims 10, 11, 13, 14, 16 and 17

Applicant notes with appreciation that claims 10, 11, 13, 14, 16 and 17 have been allowed.

E. New Claims 19-29

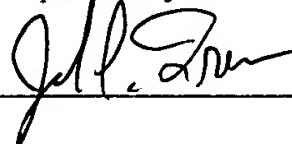
New claims 19-29 depend directly or indirectly on claims 3 or 6. Accordingly, the claims are allowable for at least the same reasons given above in Section C why claims 3 and 6 are allowable.

New claims 19-29 are being presented so as to provide additional coverage for the devices of claims 3 and 6 and so are not being presented for reasons of patentability as defined in *Festo*.

CONCLUSION

In view of the arguments above, Applicant respectfully submits that all of the pending claims 3-29 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,



John C. Freeman
Registration No. 34,483
Attorney for Applicant

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Dated: May 14, 2004